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ABSTRACT

Two broad messages emerge from the case of The Regents of the University of California vs. Allan Bakke: (1) there is a need for strengthening the "soft" or difficult-to-quantify data used in admissions decisions; and (2) there is a need to implement concepts of educational due process in the admissions procedure. These two exist in some tension with each other. It is often the soft data that is hidden from public view in the procedure, and this secrecy can cloak unreliable or arbitrary actions. On the other hand, it is this data that can help avoid narrow, wooden decisions in admissions. Efforts to improve both areas must be pursued as parallel efforts, since both are necessary to maintain institutional vitality and public confidence in the admissions process. (Author/MSE)

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BEYOND *BAKKE*: THE UNFINISHED AGENDA IN ADMISSIONS

Winton H. Manning

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Winton H. Manning

In May of 1977, I was invited by the Carnegie Council to prepare a policy paper on selective admissions, with particular reference to the issues presented by the *Bakke* case. The report of the Carnegie Council, *Selective Admissions in Higher Education* (1977), contains my paper on the pursuit of fairness in admissions (Manning 1977). Although this paper will not discuss at length the policy analyses and recommendations contained within the Carnegie report, it seems necessary to begin with a few summary statements that reflect my position, as set forth in the Carnegie publication.

FAIRNESS IN ADMISSIONS

The central social and educational issue of the *Bakke* case is the problem of balancing considerations of individual and group equity, a problem whose resolution turns upon difficult value choices. Not all individuals or institutions will agree with whatever choice is made. But in this circumstance, the public must have confidence in the process by which decisions are made. The selective professional schools of medicine and law must, in particular, be prepared to face public scrutiny of their processes and their policies. Both their processes and policies must conform to their own missions and to the demands of the public that admissions decisions be fair. Colleges and universities must also be concerned with making optimal use of their facilities to develop human resources for service to society. In the effort to reach this goal, race is relevant within the admissions process because important educational and professional objectives will not be attainable unless, as colleges and universities go about making admissions decisions, the racial experience of minority applicants is given consideration. Simple justice requires that admissions officers take into account racial experience, particularly evidence of an applicant's efforts to surmount the barriers of racial discrimination.

Nevertheless, a deeper appreciation of admissions procedures suggests that *how* "race" is considered may be very important in creating a fair admissions policy. Admission to college or graduate study, I have argued, should not be viewed as a "contest." The process is better understood as a complex system of "sponsored" admission, in which responsible educators seek to advance the objectives of society and the professions through admissions policies aiming at optimal uses of human talent.

It is clear that there are ways in which the consideration of race—and of nearly every human characteristic—could defeat the aim of fairness in admissions. A writer in *The New Republic* (1977) recently put it well:

> "To be classified is to be judged as a member, not as a particular person. That is doubly threatening: first as to individual rights and then to the integrity of community life. Classification for a purpose other than sheer description . . . implies a hierarchy of classes. So it drives people to choose their groups, if they can, for reasons other than their private feelings and commitments. Admissions officers should look for personal strength—pride, energy, enterprise, compassion—with the understanding that these qualities are differently expressed in different cultures, and tested far more harshly in some parts of our society than in others. But personal strength, by definition, is an individual trait, not a group trait. It cannot be recognized unless all members of groups are treated as individuals. It is difficult to do that with any degree of fairness in an egalitarian society. *But that is what doing justice requires.*" (emphasis added)

What I argued in the Carnegie report is that race *is* a relevant consideration in admissions, but that is the *racial experience* of individuals (rather than racial or ethnic identity) that should be emphasized as admissions officers look in depth at each applicant. Simple justice requires that admissions officers do no less. (Manning 1978)

IMPLICATIONS OF THE *BAKKE* CASE

The *Bakke* case illuminates two problems that deserve more intensive discussion than they have heretofore received: the problem of "soft data;" and the problem of "educational due process." Understandably, these problems have been overshadowed by the agonizing issues of

racial justice and equality of opportunity, which are the central themes of the Carnegie report and of most of the vast and growing literature stemming from *De Funis* and *Bakke*.

In my policy paper for the Carnegie Council, I urged the importance of using additional admissions criteria beyond test scores and grades, not because these objective measures are invalid, but because I believe it is important for institutions to have a broad view of talent. Institutions must give appropriate attention to the personal characteristics of students that they believe are especially relevant to the objectives of their programs.

Whatever the outcome of the *Bakke* case, it is critical that institutions develop and maintain a variety of admissions criteria that are defensibly relevant to objectives. Many criteria beyond test scores and grades are used at present, though decisions to use them are often subjective and unsystematic. In this sense, they are the "soft data" of admissions, because they are typically not objective or quantifiable, and they are very often unreliably adhered to.

Let me elaborate a bit more on what I mean by "soft data" in admissions. I would suggest that the term might usefully refer to information relevant to the admission of students that is not readily scored or quantified, but that *is* subject to reliable assessment under proper conditions. In general, this means reliance on informed, systematic judgment. A prime example of informed judgment would be the admission officer's holistic impression of an applicant's character and background based on: interviews, recommendations, autobiographical essays, records of experience, outstanding accomplishments, etc. What is too often the case now is that such judgments are not systematic, nor are they checked for evidence of reliability or validity. The use of expert judgment in admissions is, paradoxically, fairly primitive even though it is widely used.

Experienced admission officers are likely to be able to integrate such broad-based information and to make decisions wisely, in the best interests of both the students and their institutions. Some admission officers can probably even pick applicants who are more likely to succeed than would be indicated by the objective criteria of grades and test scores. On the other hand, many admission officers do not have the benefit of long experience, and for that reason much of the research literature concerning the reliability and validity of subjective judgment does not appear reassuring. A good deal of the discouraging results concerning the use of soft data in admissions—interviews, recommendations, and so on--results, I suspect, from the fact that too much attention is given to the narrow notion of enhancing the predictability of grade point average—the traditional criterion of success. Prospects for the usefulness of soft criteria are much more promising if one takes a broader view of the objectives of institutions and the variety of worthwhile educational outcomes that signal success, and if more attention is given to training those who use subjective judgement in the admissions process.

What soft criteria do show promise? Let me cite four types, each connected with a rationale other than improving the statistical prediction of conventional grades—the shoal on which many efforts have foundered:

(1) Demonstrated achievement and accomplishment relevant to educational outcomes sought by the institution (outcomes such as leadership, independent research and scholarship)

(2) Characteristics especially relevant to the mission of the institution (such as artistic, scientific, and religious interests and accomplishments)

(3) Characteristics that will contribute to the educational environment (cultural diversity, unique experiences)

(4) Evidence of unusual strength of character, personal qualities, or sheer doggedness or persistence in the face of obstacles (including racial experience in overcoming obstacles of discrimination)

These soft criteria can be assessed and used in selective admissions with reasonable confidence, assuming they are part of a larger picture of the student's qualities, and also assuming that the procedures for making assessments are adequately specified and monitored. Each of these four types of soft criteria has a *priori* value in its own right, but each is also conceptually tied to something that the institution seeks to accomplish, either through or on behalf of its students.

What needs to be done? If such supplemental criteria are to receive adequate emphasis in the selective admissions process, the rationale and justification for using them must be carefully and convincingly demonstrated in relation to accepted institutional objectives. Appropriate assessment

methods will need to be developed. Some of these new assessments will need to be designed so that they can be carried out locally; some will likely need central support services from testing agencies. In the current climate of public scrutiny of the admissions process, it will be necessary to implant new assessment procedures carefully, since the admissions process does have desirable characteristics.

This is a large task that will require substantial research and development of the most practical sort. It will take time, and it will require the close involvement of institutions. I believe it is an inevitable adjustment higher education will have to make, but it is not likely to be easy.

When one considers the role of soft data in admissions, it seems to me that the *Bakke* case poses a serious threat not only to racial and ethnic minorities, but to all students, and even to the vitality of higher education institutions. The very notion of *preferential* treatment implies the existence of a unique order of merit among applicants. This assumption of a singular ranking leads "logically" to the allegation of invidious discrimination against those who rank higher in the ordering when preference is given to those who rank further down the scale.

There is no *single* unique order of preference among candidates, but many different ones. A particular ordering will depend heavily upon the weight attached not only to tests and grades, but also to the "soft data" criteria. Thus, the very concept of preferential treatment implies reliance on a narrowly based concept of merit. The inexorable trend toward legal scrutiny and the demand for public accountability, often in very simplistic terms, also greatly threatens the use of such soft criteria; it may lead to a rigidifying of the admissions process in ways that are inimical to its conduct in educationally responsible and morally just ways.

Beyond this danger, *Bakke* poses *additional,* very serious long-term hazards. One possibility already mentioned is a progressive move toward a more mechanistic approach to selective admissions. Another possibility is a serious dilution of the traditions of excellence and striving that have been a wellspring of vitality for American society. Either development is potentially quite damaging to higher education, because either one could easily stifle institutional diversity and responsiveness. A wooden admissions policy is a certain step toward a rigid and sterile curriculum. Consequently, I feel it is critically important to harden the "soft criteria" and to move toward a more enlightened view of talent and more defensible procedures for selecting students who have the personal qualities and characteristics that fit the educational objectives and responsibilities of higher education institutions.

EDUCATIONAL DUE PROCESS IN ADMISSIONS

In my paper for the Carnegie Council I made the following statement:

> "*Bakke* has cast a cold and relentless beam of light upon an area of institutional policymaking—admissions—that has for too long lingered in the shadows. It is not merely for the benefit of applicants that admissions policies and procedures need illumination. Rather, the gatekeeping function of higher education requires that connections between stated institutional missions and goals on the one hand, and admissions policies and procedures on the other, be understood by the various constituencies the institution serves. Some process akin to accreditation may be needed, in which an institution's admissions policies, procedures and practices are documented, carefully assessed, and publicly evaluated by independent authorities. If the pursuit of fairness in admission to higher education is to have lasting, practical significance . . . admissions—no less than other areas of educational policy—should demonstrably express the values of the larger society, not only at the level of broad generalizations, but at the level of specific working principles." (Manning 1977, p. 41-42)

Higher education institutions can legitimately claim rights to autonomy and broad discretion in their admissions decisions. Nevertheless, both *Bakke* and *De Funis* have revealed some practices that need to be strengthened and others that need to be abandoned. A primary consideration that must govern admissions policies, I believe, is a concept of "educational due process," as I called it in my Carnegie Council paper. Unless the concept of "educational due process" is articulated by higher education and incorporated into their policies, we risk the stultifying consequences of the litigation that will ensue. The lack of demonstrable, systematic, clearly documented guidelines for making judgments about applicants is a keenly felt issue in all quarters of society. It would be infinitely preferable that institutions voluntarily strip away the curtain of obscurity that too often veils their actions in admissions rather than look to resolution of these matters in the courts.

I believe that *educational due process* requires that institutions adhere to "Principles of Good Practice in Admissions." These are:

(1) Educational institutions should clearly describe their admissions policies and explicitly state how these policies are related to the goals and objectives of the institution.

(2) Institutions should publicly describe their admissions criteria and provide information to applicants that is complete enough to permit students to make a reasonable estimate of the likelihood of their meeting these standards.

(3) Whatever criteria are used, the educational institution should routinely allow applicants the procedural opportunity to demonstrate that those particular criteria or standards are inappropriate for assessing their qualifications.

(4) Institutions should use the same admissions process for all candidates considered for the same program.

(5) Where exceptions to uniformity of process, criteria and standards are made for particular classes of applicants, this policy should be publicly articulated with particular attention to the legal restraints on such actions.

(6) The criteria employed in the admissions process must be validated—that is, demonstrably shown to measure qualities relevant to the legitimate educational objectives of the educational program. Additionally, criteria should not be used that cannot be shown to be *reliably* assessed.

(7) Upon request, a rejected applicant should be given a statement of the reason(s) for his or her rejection and a means of appeal if he or she challenges the institution's explanation.

(8) Selection criteria used by institutions should represent a reasonably abroad array of those qualities shown to be relevant, rather than relying solely upon a single index of competence derived from ability tests and grades.

(9) Institutions should ensure that all those who participate in the process of implementing admissions decisions are trained and competent in performing the complex task of evaluating candidates for admission.

(10) Institutions should periodically invite external audit of their admissions policies and practices in order to assure the public and other constituencies that the process that actually goes on conforms with publicly stated policies, principles and procedures.

Implementation of these principles will not be easy. It will require that many higher education institutions make a substantially larger investment of resources in the conduct of the admissions process than they are accustomed to do. For some institutions, it will require a major overhaul of policies and practices, entailing an even larger financial commitment—not an easy step to contemplate in these days of lean budgets.

Today, higher education in the United States operates something like a public trust. It requires a mutual appreciation of the special relationship between the public's right to know and the institutions' right to educational autonomy. If these principles were adopted, a giant step would be made toward dispelling the suspicion of capricious actions and veiled motives on the part of institutions—suspicions that too often seem to characterize attitudes toward admissions that are widely held by applicants, their families, and the public at large. *Bakke* has not strengthened public confidence in the process of admissions on the part of any groups in our society, minority or majority. Attention to assuring "educational due process" in admissions would serve to reinforce essential elements of institutional autonomy by demonstrating "the concern of higher education for professional integrity and thoughtful attention to the needs of society." (Carnegie Council 1977)

CONCLUSION

These two broad "messages" of the *Bakke* case—strengthening the soft criteria of admissions and implementing concepts of educational due process in admissions—exist in some tension with one another. It is often the use of "soft data" that is hidden from public view. Thus, secrecy can serve to cloak unreliable and arbitrary actions; yet it is by way of the "soft criteria" that the vitiating effects of narrow, wooden admissions policies are avoided. Efforts to improve both areas—the use and evaluation of soft data and educational due process—must be pursued as parallel efforts, for

each is inextricably linked with the other. Both are necessary to maintain institutional vitality and public confidence in and acceptance of the admissions process.

> The capacity of universities to continue to fulfill (their) critical role requires the development of educational policies that are wise and just—no less so for admissions than for other parts of the educational process. Where error exists, critics should root it out; where it persists the courts should eradicate it, but always with an eye toward preserving to the maximum degree (the) essential ingredient of education—freedom from unnecessary restraint. For universities, no less than for the community of learners generally, "simply as education, freedom is indispensable. (Manning 1977).

REFERENCES

Carnegie Council on Policy Studies in Higher Education. *Public Policy and Academic Policy.* (In a Report of the Carnegie Policy Council on Studies in Higher Education, entitled *Selective Admissions in Higher Education.)* San Francisco: Jossey-Bass, 1977, pp. 1-17.

Gellhorn, E. and Hornby, D. B. "Constitutional Limitations on Admissions Policies and Standards—Beyond Affirmative Action." *Virginia Law Review* 1974, 60, 975-1011.

Manning, Winton H. *The Pursuit of Fairness in Admissions to Higher Education.* (In a report of the Carnegie Council on Policy Studies in Higher Education, entitled *Selective Admissions in Higher Education.)* San Francisco: Jossey-Bass, 1977, pp. 19-64.

Manning, Winton H. "Discussion of the 'Influence of the Law on Professional Measurement Standards.'" *Educational Measurement and the Law.* Princeton, N.J.: Educational Testing Service, 1978, pp. 53-60.

Willingham, W. "Policy and Practice in Selective Admissions." Personal Communication, October 31, 1977.

Willingham, W. Breland H., (et. al.) *The Status of Selective Admissions.* (In a Report of the Carnegie Council on Policy Studies in Higher Education, entitled *Selective Admissions in Higher Education.)* San Francisco: Jossey-Bass, pp. 66-244.

_____. "Disadvantaged Groups, Individual Rights." *The New Republic,* October 15, 1977, pp. 5-9.

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